



Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

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June 17, 2015

Sent By Electronic Mail

The Honorable Jay Inslee
Governor of Washington
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee:

As no final agreement has yet been reached on the 2015-17 biennial budget, and the continued operation of state agencies after June 30 is uncertain, I want to let you know that beginning today, my office will be filing motions with federal, state, and municipal courts seeking continuances in a large number of cases to which the state is a party. Specifically, I have directed our attorneys to move to postpone all matters currently scheduled for July 1-10, or through the first full week of July. We will file these motions this week so they can be heard and decided by the end of June. We will respectfully request continuances on these matters until no earlier than the week of July 13, 2015.

If the new biennium begins without an operating budget, my office will be unable to protect the state's interests in these pending matters unless a court orders otherwise. As you know, the Washington Constitution generally prohibits state agencies from paying money out of the state treasury without an appropriation. Further, the state budget and accounting act bars agencies from incurring financial obligations, including the obligation to pay compensation to state employees, without an appropriation. While there are several exceptions to those principles, none of them apply to the work of many of our assistant attorneys general and professional staff absent a court order to the contrary.

Given the significant amount of staff time needed to prepare and file these motions and their impact on the courts, I directed my senior leadership team to wait as long as possible to begin filing these motions. However, it would be unwise to wait any longer. To protect the legal interests of the state in the event of a shutdown, we must seek continuances now given the work involved in filing these motions and the need to give the courts and opposing counsel time to respond.

ATTORNEY GENERAL OF WASHINGTON

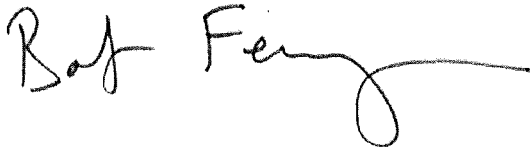
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If we delay filing, each motion would need to be accompanied by an emergency motion to shorten time, asking the courts to give us a pass on the usual deadlines. This doubling of the number of motions would increase the hardship imposed upon our already overworked courts.

While I recognize the burden that these motions place on the judicial system, I believe it is prudent given the possibility of a broad shutdown of most state agencies and programs if the legislature does not enact an operating budget before July 1, 2015.

Like you, I hope that a final budget agreement is reached soon, and that we will avert a broad government shutdown and the adverse impacts that it would have on the people and state of Washington.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Ferguson". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

BOB FERGUSON
Attorney General

RWF/jlg

cc: The Honorable Mark Schoesler, Senate Majority Leader
The Honorable Sharon Nelson, Senate Minority Leader
The Honorable Frank Chopp, Speaker of the House
The Honorable Dan Kristiansen, Minority Leader of the House
Hunter Goodman, Secretary of the Senate
Barbara Baker, Chief Clerk of the House
The Honorable Barbara Madsen, Chief Justice, Washington Supreme Court
Presiding/Chief Judges, Appellate Courts of Washington State
Presiding Judges, Superior Courts of Washington State
Administrative Office of the Courts